

PAUL WHITE,  
Plaintiff,

IN THE COURT OF COMMON PLEAS  
ERIE COUNTY, PENNSYLVANIA

v.

CIVIL ACTION - LAW

DONJON SHIPBUILDING AND  
REPAIR, LLC, DONJON MARINE  
CO., INC. and SEAJON II, LLC,  
Defendants.

No. 11658-2015

**NOTICE TO DEFEND**

TO: Donjon Shipbuilding and Repair, LLC, Donjon Marine Co., Inc. and Seajon II, LLC

c/o

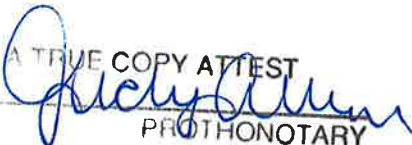
Stephen M. Calder, Esquire  
190 N. Independence Mall West  
Ste. 401  
Philadelphia, PA 19106  
[scalder@pbh.com](mailto:scalder@pbh.com)


YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED. BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**LAWYERS REFERRAL SERVICE**

302 West 9th Street  
Erie, Pennsylvania 16502  
(814) 459-4411

A TRUE COPY ATTEST  
  
PROTHONOTARY

  
Timothy D. McNair, Esquire  
Attorney for Plaintiff  
821 State Street  
Erie, PA 16501  
814-452-0700

PAUL WHITE,  
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**COMPLAINT**

NOW COMES Paul White, Plaintiff herein, by counsel, McNair Law Offices, PLLC and for his complaint in the above-entitled matter, respectfully represents:

1. Plaintiff Paul White is an adult individual residing at 16A Brainard Street, Phillipsburg, New Jersey. Plaintiff Paul White is a citizen of the state of New Jersey.
2. Defendant Donjon Shipbuilding and Repair, LLC is a limited liability company and a citizen of the Commonwealth of Pennsylvania, maintaining its sole office and place of business at 220 East Bayfront Parkway, Erie, Erie County, Pennsylvania.
3. Defendant Donjon Marine Co., Inc. is a New Jersey corporation maintaining its office and principal place of business at 100 Central Avenue, Hillside, New Jersey 07205. Donjon Marine Co. Inc. is a citizen of the state of New Jersey.
4. Seajon II, LLC is a limited liability partnership between Donjon Marine Co., Inc. and Seacor Inc. Defendant Seajon II, LLC is a citizen of the state of New Jersey and maintains its sole office and principal place of business at 100 Central Avenue, Hillside, New Jersey. Seajon II, LLC is the nominal owner of an ocean going vessel, the tug "Yankee."
5. Defendant Donjon Marine Co., Inc. is a general partner in Seajon II, LLC and upon information and belief, maintains responsibility for the operation of the vessel, the tug "Yankee."

6. The vessel "Yankee" is a sea-going tug boat, initially built in 1976. The "Yankee" was previously solely owned by Donjon Marine Co., Inc.

7. In the summer or fall of 2014, Donjon Marine Co., Inc. and/or Seajon II, LLC brought the tug "Yankee" to the Donjon Shipbuilding and Repair facility in Erie, Erie County, Pennsylvania for refurbishment and refitting.

8. The tug "Yankee" had, at the time it arrived in Erie, a set of steps leading from the bow deck up to the bridge. The bottom step was missing, having been replaced by a steel strap approximately one and one-half inches wide. This created a dangerous condition for those using the stairs to go from the front deck of the *Yankee* to the bridge or vice versa.

9. Neither Donjon Marine Co., Inc. nor Seajon II, LLC, took any steps to warn of the dangerous condition of the steps.

10. Donjon Marine Co., Inc. as managing partner of Seajon II, LLC, and Seajon II, LLC failed to effect repairs to said step to render it safe, failed to warn potential users of the steps of the dangerous condition created by the missing step and steel strap, failed to mark the condition with contrasting paint, or place any type of warning and permitted the dangerous condition to persist.

11. On or about September 24, 2014, Plaintiff was employed by Top Hand, LLC, an employment agency, as a marine electrician engaged in the refurbishment and refit of the tug "Yankee" at Donjon Shipbuilding and Repair. At that time, Plaintiff was to be earning total compensation of \$1,360.00 per week.

12. On or about September 24, 2014, Plaintiff was descending the forward peak stairs on the bow of the "Yankee." When he came to the last step, he caught his heel on the strap running from stringer to stringer, causing him to roll his ankle and sustain severe and serious disabling injuries.

13. The injuries sustained by the Plaintiff were the direct and proximate result of the negligence of Seajon II, LLC and its general partner, Donjon Marine Co., Inc., in the following respects:

- a. In permitting the stair tread to remain missing, constituting a trap, or pitfall for the unwary;
- b. In failing to adequately light the area in order that persons using the forward peak stairs would be able to see the dangerous condition;
- c. In failing to post a warning, or otherwise attempt to draw the attention of persons using the forward peak stairs of the existence of the extremely dangerous condition;
- d. In failing to paint the bottom of the forward peak stairs in a contrasting color so as to warn persons using the stairs of the absence of the stair tread and the presence of the steel strap; and
- e. In permitting the use of the stairs in their dangerous condition.

14. As the direct and proximate result of the negligence of the Defendants as aforesaid, Plaintiff sustained a severe ankle sprain and a tear of the peroneal tendon necessitating open surgical repair and other severe and serious injuries.

15. As the result of the injuries as aforesaid, Plaintiff has sustained the following damages:

- a. He has in the past and will in the future suffer great pain, suffering, inconvenience, embarrassment and mental anguish;
- b. He has been and will be required to expend large sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines, and related services;

- c. He has been and will be deprived of his earnings in the amount of \$1,360.00 per week;
- d. His earning capacity has been reduced and permanently impaired;
- e. His general strength, health and vitality have been impaired;
- f. He has lost the enjoyment of the pleasures of life.

WHEREFORE, Plaintiff demands judgment against the Defendants, Seajon II, LLC and Donjon Marine Co., Inc. jointly, severally and individually in an amount in excess of the limit for mandatory arbitration, together with prejudgment interest, costs of suit and such other and further relief as the Court deems just.

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: \_\_\_\_\_

  
Timothy D. McNair, Esquire  
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[tmcnair@mcnairlaw.com](mailto:tmcnair@mcnairlaw.com)  
Attorneys for Plaintiff

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## CERTIFICATE OF SERVICE

On this 3d day of August, 2015 the undersigned does depose and say that he served a true and correct copy of Plaintiff's Complaint upon the following by First Class United States Mail, postage prepaid:

Stephen M. Calder, Esquire  
190 N. Independence Mall West  
Ste. 401  
Philadelphia, PA 19106  
[scalder@pbh.com](mailto:scalder@pbh.com)

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By:

**Timothy D. McNair, Esquire**  
**821 State Street**  
**Erie, PA 16501**  
**(814) 452-0700**  
**Fax: (814) 454-2371**  
**[tmcnair@mcnairlaw.com](mailto:tmcnair@mcnairlaw.com)**  
**Attorneys for Plaintiff**

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VERIFICATION

I, Paul White, verify that the facts set forth in the within Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 28 U.S.C. §1746 regarding unsworn declarations under penalty of perjury.

7-28-15  
Date

Paul White  
Paul White